

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	Case No. 1:16-cr-98
	:	
vs.	:	Judge Timothy S. Black
	:	
ISMAIL SALAAM,	:	
	:	
Defendant.	:	

ORDER REGARDING SEALED TRANSCRIPTS

This case is before the Court on Defendant’s appellate counsel’s request for transcripts, which request was conveyed to the Court via email on August 25, 2022.

Specifically, for purposes of appeal, counsel previously ordered select transcripts of Defendant’s trial court proceedings, held before this Court. *See United States v. Ismail Salaam*, No. 21-3566 (6th Cir., Jul. 27, 2022). On August 25, 2022, the assigned court reporter advised counsel via email that five of the requested transcripts were sealed in part and could not be released without an Order from this Court. Counsel then forwarded the court reporter’s email to this Court and requested instruction on how to proceed.¹

As identified in the August 25, 2022, email communications, the partially sealed transcripts at issue include: hearing on Defendant’s motion for new counsel, held on February 7, 2018; Final Pretrial Conference, held on November 1, 2018; *Voir Dire* and Day 1 of Jury Trial, held on November 5, 2018; Day 2 of Jury Trial, held on November 7, 2018; and Day 4 of Jury Trial, held on November 9, 2018.

¹ To minimize delay, the Court elected to issue this Order on counsel’s email request, rather than requiring a formal motion.

During the trial court proceedings, this Court ORDERED the sealing and redaction of certain information, including, *inter alia*, the name of the Minor Victim (who was to be identified by the initials J.B. only), as well as the resolution of any *ex parte* issues, with the consent of opposing counsel. (*See e.g.*, Min. Entry, Feb. 7, 2018; Doc. 89 at 3). The Court recognizes that some of this sealed information may be relevant for purposes of Defendant's pending appeal. Thus, to facilitate Defendant's appeal, while also avoiding unnecessary disclosure of sealed information, the Court **ORDERS** as follows:

- (1) The court reporter shall prepare the requested transcripts, but shall **REDACT** any sealed portions. The court reporter shall then file the redacted transcript on the public docket, and shall further file the unredacted transcript **UNDER SEAL**;²
- (2) The court reporter is authorized to release to counsel the **REDACTED** transcript only;
- (3) Should counsel conclude that the redacted portions may be relevant for purposes of appeal, counsel may move for limited disclosure, and the Court will, upon a showing of good cause, release the unredacted transcript as well; and
- (4) If, after viewing the unredacted transcript, the Court determines that continued sealing is unwarranted, the Court will *sua sponte* order the transcript unsealed, and a copy will be released to counsel immediately.

IT IS SO ORDERED.

Date: 8/25/2022

s/ Timothy S. Black
Timothy S. Black
United States District Judge

² In the event that the Minor Victim's name was stated on the record, the court reporter shall, in lieu of full redaction, substitute the name with "[J.B.]" to indicate that a substitution was made.